



STATEMENT REGARDING INVESTIGATION REPORT OF ALLEGATIONS OF  
RACIST AND SEXIST CONDUCT AND RETALIATION BY  
WEST CHESTER, OHIO CHIEF OF POLICE – July 7, 2020

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My clients, Captain Jamie Hensley and Captain Joe Gutman, made a gut-wrenching decision to jeopardize their careers and expose racism, sexism, retaliation, and other wrongdoing at the highest level of the West Chester, Ohio Police Department. They did so after multiple internal attempts to have the Township address these very serious problems.

Rather than address or report the misconduct to the Ohio Attorney General or another independent body, the Township engaged a hired gun at taxpayer expense to defend itself and Chief of Police Joel Herzog against the Captains' very real claims of unlawful conduct.

The investigation report produced to the media by the Township earlier today - without advance notice to the Captains - is malicious, offensive, and defamatory. Moreover, it was rushed to be released while other members of the department have been and are still coming forward to corroborate the Captains' concerns, describe a "culture of retaliation" in the department, and provide more examples of wrongdoing.

Instead of actually investigating my clients' concerns about Chief Herzog's racist, sexist, and other misconduct, the Township turned the investigation on the Captains to discredit them publicly and destroy their impeccable reputations. It is outrageous, as is the way the report and the Township downplay the Chief's conduct:

- The Chief repeatedly commenting on women's breasts and rears in highly offensive terms is not just "locker room talk." It is sexual harassment.
- The Chief trying to help a friend who blatantly dropped the Chief's name while being arrested for feloniously abusing his wife is not "good motives," nor is his attempt to bury damaging texts to the victim.
- The Chief admits he calls Middle Eastern and Asian citizens "dots" and "terrorists." The Chief admits he calls black people with whom the department interacts "Number 2s." But according to the report that is just "lingo" and excusable because of context. The Captains did not think so, and they are right.
- Referring to a Latino officer as "Brown Mike" is not just a "joking reference," because referring to an officer by his race instead of his name is not funny.

It is stunning that the report and the Township excuse these comments - and more that Mr. Duckett did not include - as not "intentionally racist." and "careless." The report even has the gall to quote Maya Angelou to excuse the Chief from disciplinary action or discharge.

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Meanwhile, Captain Gutman is told to “support the Chief and live with his way of managing” or resign. Do the officers of color have to live with it or resign? Do the residents these comments describe have to live with it or move?

Captain Gutman and Captain Hensley stood up for what was right and legal. They cooperated fully over five days of exhaustive and often threatening, accusatory, and combative interviews - and they told the truth. In return the Captains got slammed. And the Chief will not even get a slap on the wrist, because he apparently did not understand why anyone would be offended by his patently offensive remarks and conduct.

The report blatantly misquotes my client’s interviews, ignores most of what the concerns and incidents they described, and is irresponsible with the truth and facts. The report even defames clients’ families, an act the public should find abhorrent.

My clients’ interviews with Mr. Duckett were recorded, although it is regrettable that a day and a half of Captain Hensley’s interview was not recorded, a fact that I discovered purely by accident. Recordings that were made were made on Township property – the public has a right to listen to those and judge for themselves. People should also ask why only the Captains’ interviews were recorded, and why Mr. Duckett never followed up with witnesses on allegations the Captains made in the interviews.

Police reform – real reform – will not be possible until good police officers can come forward when they see wrongdoing in their ranks without losing their careers, especially where that wrongdoing comes from the top. It is unfortunate that what should have been a legitimate investigation into a matter of important public interest has been weaponized against the Captains, apparently to support Chief Herzog at any cost.

My client are currently weighing all legal options at this time to defend themselves against the character assassination the Trustees commissioned.

Please feel free to contact me with questions or additional documentation.